

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDY MATSON,

Plaintiff,

vs.

NEBRASKA KANSAS COLORADO
RAILWAY LLC, and OMNITRAX
HOLDINGS COMBINED, INC.,

Defendants.

7:17CV3144

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on October 31, 2017. ([Filing No. 1](#)). More than 90 days have elapsed since the Complaint was filed. To date, Plaintiff has not requested summons or filed a waiver indicating that the defendants have been served, nor have the defendants entered a voluntary appearance. Accordingly,

IT IS ORDERED that Plaintiff shall have until February 21, 2018, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 31st day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge